

**TRANSPORTATION DEPARTMENT[761]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation adopts new Chapter 162, “Bridge Safety Fund,” Iowa Administrative Code.

2009 Iowa Acts, Senate File 376, section 34, created the Bridge Safety Fund under the authority of the Transportation Commission and required the Department of Transportation to adopt rules. These new rules administer the expenditure of funds appropriated by the General Assembly in 2009 Iowa Acts, Senate File 376, section 13, subsection 6, for infrastructure projects relating to functionally obsolete and structurally deficient bridges on the state’s primary road system. The rules describe the purpose and source of funds, provide definitions, provide general information, and establish eligibility requirements.

For good cause and pursuant to Iowa Code section 17A.4(3), the Department of Transportation finds that notice and public participation prior to adoption of these rules pursuant to Iowa Code section 17A.4(1) are impracticable and contrary to the public interest due to the project development and construction time needed to complete the bridge projects and expend funds in accordance with 2009 Iowa Acts, Senate File 376, which became effective on May 14, 2009, and which appropriated funds for the fiscal year beginning July 1, 2009.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department of Transportation finds the normal effective date of these rules, 35 days after publication, should be waived and the rules be made effective July 15, 2009. These new rules confer a benefit upon the public by providing for the prompt implementation of 2009 Iowa Acts, Senate File 376.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These rules are also published herein under Notice of Intended Action as **ARC 8027B** to allow for public comment.

These rules became effective on July 15, 2009.

These rules are intended to implement 2009 Iowa Acts, Senate File 376, section 34.

The following amendment is adopted.

Adopt the following new 761—Chapter 162:

CHAPTER 162  
BRIDGE SAFETY FUND

**761—162.1(83GA,SF376) Purpose and source of funds.** This chapter implements 2009 Iowa Acts, Senate File 376, section 34, which creates a bridge safety fund. 2009 Iowa Acts, Senate File 376, section 13, subsection 6, appropriates \$50 million to the department from tax-exempt revenue bonds to be used for infrastructure projects relating to functionally obsolete and structurally deficient bridges on the state’s primary road system.

**761—162.2(83GA,SF376) Definitions.**

“*Functionally obsolete*” means the classification of a highway structure indicating one or more geometric features of the structure are below the standard required for current traffic. The classification is based on criteria established by the Federal Highway Administration in the “Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation’s Bridges.”

“*Primary road system*” means the same as defined in Iowa Code section 306.3.

“*Structurally deficient*” means the classification of a highway structure indicating one or more elements of the structure are in need of monitoring or repair. The classification is based on criteria established by the Federal Highway Administration in the “Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation’s Bridges.”

**761—162.3(83GA,SF376) General information.**

**162.3(1)** Information regarding this chapter is available from the Office of Bridges and Structures, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1564.

**162.3(2)** The publication entitled “Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation’s Bridges,” December 1995, may be obtained from the office of bridges and structures or is available on the Internet at <http://www.fhwa.dot.gov/bridge/mtguide.pdf>.

**761—162.4(83GA,SF376) Eligibility.**

**162.4(1)** In order for a bridge to be eligible for funding under this chapter, it must:

- a.* Be on the state’s primary road system as defined in rule 761—162.2(83GA,SF376).
- b.* Be either functionally obsolete or structurally deficient as defined in rule 761—162.2(83GA,SF376).
- c.* Be able to be developed, designed, constructed, completed and paid for within the prescribed time frames of 2009 Iowa Acts, Senate File 376.

**162.4(2)** The aggregate estimated cost of the projects must fall within the \$50 million that was appropriated to the bridge safety fund in 2009 Iowa Acts, Senate File 376.

These rules are intended to implement 2009 Iowa Acts, Senate File 376, section 34.

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